

**Legislative Council Panel on Constitutional Affairs
Meeting on 18 January 1999**

Relationship between the Executive and the Legislature

The executive and the legislature have distinct and different functions and responsibilities under the Basic Law. Article 62 of the Basic Law stipulates that the executive authorities are responsible for formulating and implementing policies, conducting administrative affairs, drawing up budgets and drafting legislation. The powers and functions of the Legislative Council, as laid down in Article 73 of the Basic Law, include enacting laws, examining and approving budgets and public expenditure, raising questions on the work of the government and debating on any issue concerning public interest. Article 64 of the Basic Law also stipulates that the executive authorities must be accountable to the legislature.

A close working relationship between the executive and the legislature is essential for the full implementation of the above provisions of the Basic Law. As a matter of fact, we work closely with the legislature on a day to day basis. For the six months between the commencement of the current term and the end of 1998, 29 bills and over 150 pieces of subsidiary legislation have been put forward for scrutiny by the legislature. With the support of Members, 8 bills and over 140 subsidiary legislation have been enacted. During this period, Government officials attended over 120 panel meetings to seek Members' view on major policies and legislative proposals. In addition, we have answered over 850 oral, supplementary and written questions raised by Members, and responded to 31 motion debates.

We are only too aware of the importance of building up a good and constructive working relationship between the executive and the legislature. To this end, we have developed a number of well-trying and effective channels, both formal and informal. Government officials regularly consult and brief Members on major policy initiatives. Toward this end, they consult the 17

panels established by the Legislative Council on major policies, legislative proposals and funding applications as far as possible before they are finalized. The Chief Executive also attends special meetings of the Legislative Council to answer questions by Members. One such meeting was held recently on 14 January 1999. He also holds meetings with Members from time to time to listen to their views regarding major policy issues. The Chief Secretary for Administration meets with the Chairman and Vice-chairman of the House Committee almost every week to discuss matters of concern to Members. Apart from these formal channels, there are also various informal channels to enhance communication and understanding between the executive and legislature. The monthly luncheon meetings hosted by Members is one example.

However, given their respective constitutional roles as stipulated in the Basic Law, it is only natural that the executive and legislature may see things from different perspectives and have different views on various matters. Difference in opinion between the two branches of government is commonplace in many developed and matured democracies. It is unrealistic to expect the executive and the legislature to hold the same view on each and every issue. The most important thing is that these views can be fully debated and thoroughly considered to arrive at a course of action which would best serve the interest of the community.

We are in the process of developing our democratic institutions within the framework of the Basic Law. The relationship of the executive and the legislature is pretty much evolving, but our goal remains to establish a constructive partnership with Legislative Council on the basis of mutual understanding and cooperation. To this end, we will continue to improve the existing arrangements to foster a good and constructive working relationship with the legislature.

Constitutional Affairs Bureau
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